

DRAFT NEW RULE 203 - February 18, 1999

Draft Rule 203 - February 18, 1999 will be discussed at Public Workshop #5 on Thursday, February 18, 1999 at 9 am in the Maricopa County Air Quality Division offices.

Direct comments and/or questions to the rule-writer, Johanna M. Kuspert

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The current due date for written comments on this draft is no later than 5 pm on Friday, February 26, 1999.

REGULATION II - PERMITS AND FEES

RULE 203

PERMIT REQUIREMENTS FOR OPEN OUTDOOR BURNING ACTIVITIES

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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION II - PERMITS AND FEES

**RULE 203
PERMIT REQUIREMENTS FOR OPEN OUTDOOR BURNING ACTIVITIES**

SECTION 100 - GENERAL

- 101 PURPOSE:** Rule 203 describes the permit requirements for open outdoor burning activities.
- 102 APPLICABILITY:** Rule 203 is applicable to any open outdoor burning activity, that is conducted for agricultural, commercial, institutional, or industrial purposes, and/or is conducted by any governmental entity.
- 103 EFFECTIVE DATE OF THIS RULE:** Rule 203, adopted by the Board Of Supervisors on (date of Board adoption), shall be effective (the first day of the second month after the month of adoption).

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

- 201 AIR CURTAIN DESTRUCTOR** - A device designed to form a curtain of air over a pit, in which combustion occurs.
- 202 DITCHBANK** - A lateral area not to exceed two and one half feet on either side of the center line of a ditch.
- 203 FENCE ROW** - A lateral area not to exceed two and one half feet on either side of the center line of a fence.
- 204 OPEN OUTDOOR BURNING ACTIVITY** - Any combustion of any material outdoors, where the products of combustion are not directed through a chimney.
- 205 RESPONSIBLE PARTY** - The individual or entity responsible for any and all open outdoor burning activities occurring on any parcel/property or on any portion of a parcel/property.

SECTION 300 - STANDARDS

- 301 BURN PERMIT:** Before commencing any of the open outdoor burning activities listed in Subsection 301.1 thru Subsection 301.7 of this rule, the responsible party shall first obtain a Burn Permit from the Control Officer,. Burn Permit

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exemptions are described in Section 302 of this rule. The issuance of a Burn Permit shall not relieve the responsible party from compliance with any and all Federal laws, State laws, and/or others of these rules, as such other requirements apply. Likewise, any Federal law or any State law does not relieve the responsible party from obtaining a Burn Permit, according to this rule.

301.1 Disease/Pest Prevention: A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities declared necessary by the County Agricultural Agent, when such burning has been determined and certified by actual investigation as essential for the purposes of disease and/or pest prevention.

301.2 Fire Hazard: A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities for the control of weeds for the prevention of fire hazards.

301.3 Firefighting Training Areas And Training Structures: A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities for firefighting training. See Subsection 302.9 of this rule for an exemption to this requirement.

301.4 Ditchbank/Fence Row: A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities for the burning of agricultural ditchbanks, fence rows, or for the purpose of watershed rehabilitation or control through vegetative manipulation, where other reasonable mechanical, chemical or other methods of removal are not available.

301.5 Tumbleweeds: A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities for the destruction of tumbleweeds in cases for which other reasonable methods are not available.

301.6 Land Clearance: A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities for the burning of indigenous scrub vegetation cleared for the purpose of construction or agricultural operations in non-urban areas of low population where no reasonable alternative exists.

- a. The Control Officer shall issue such Burn Permit only once per geographical location.
- b. The Control Officer shall stipulate and approve the size of the scrub vegetation piles.
- c. The Control Officer shall stipulate and approve the hours and meteorological conditions during which the scrub vegetation shall be burned.

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301.7 Air Curtain Destructor: A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities for the burning, by using an air curtain destructor, of certain material, including but not limited to, citrus trees or other types of vegetation. Upon the Control Officer's request, the responsible party shall provide information regarding the material to be burned, the type and size of the equipment to be used, and any other relevant condition or consideration. The visible emissions from using an air curtain destructor shall comply with the provisions of Rule 300 of these rules.

302 BURN PERMIT EXEMPTIONS: The responsible party shall not be required to obtain a Burn Permit in order to conduct open outdoor burning activities described in Subsection 302.1 thru Subsection 302.9 of this rule. However, if conducting such activities without a Burn Permit, would result in a violation of the Clean Air Act, then the responsible party shall obtain the appropriate permit(s). The responsible party, who is exempt from obtaining a Burn Permit according to this rule, shall still comply with all other applicable requirements of these rules, of any State laws, and of any Federal laws.

302.1 Domestic Cooking: The responsible party shall not be required to obtain a Burn Permit for domestic cooking.

302.2 Warmth For Human Beings: The responsible party shall not be required to obtain a Burn Permit in order to provide warmth for human beings on private property only.

302.3 Recreational Purposes: The responsible party shall not be required to obtain a Burn Permit for recreational purposes.

302.4 Branding Animals: The responsible party shall not be required to obtain a Burn Permit for branding animals.

302.5 Orchard Heaters: The responsible party shall not be required to obtain a Burn Permit for orchard heaters for frost protection in farming or nursery operations.

302.6 Disposal Of Dangerous Material: The responsible party shall not be required to obtain a Burn Permit, from the Control Officer, in order to dispose of dangerous material. However, the responsible party is obligated to comply with the Department Of Environmental Quality's (ADEQ's) regulations regarding the disposal of dangerous material. In addition, the responsible party is obligated to comply with any and all Federal laws, State laws, and/or others of these rules, as such other requirements apply. For the purpose of this rule, dangerous material means any substance or combination of substances which is likely to inflict bodily harm or property loss unless neutralized, consumed, or otherwise disposed of in a controlled and safe manner.

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302.7 Fire Extinguisher Training: The responsible party shall not be required to obtain a Burn Permit for fire extinguisher training. This exemption applies only when the training is limited to using a small amount of flammable liquid and a small container (i.e., a wastepaper basket or a flat pan).

302.8 Testing Potentially Explosive-Containing Products: The responsible party shall not be required to obtain a Burn Permit in order to test potentially explosive-containing products (i.e., automotive airbags and rocket motors, and gas generators) for hazard classification, packaging performance, propagation, and/or mass fire. In addition, the responsible party shall not be required to obtain a Burn Permit in order to test potentially explosive-containing products for military and police training. This exemption applies only when the testing is controlled, is relatively small, and occurs infrequently and when the testing is not considered to be nor associated with the disposal of dangerous material.

302.9 Firefighting Training Areas And Training Structures: The responsible party shall not be required to obtain a Burn Permit for firefighting training areas and training structures, if the sole source of flame is a burner fueled by either liquified petroleum gas or natural gas, with a British Thermal Unit (BTU) input per hour rating of less than 2,000,000 BTUs.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 BURN PERMIT APPLICATION: The responsible party shall file, with the Control Officer and on a form prescribed by the Control Officer, a Burn Permit application and the complete application fee as described in Rule 280 of these rules. The Control Officer shall act on a Burn Permit application and shall notify the applicant, within 14 calendar days of the filing of the completed application. The issuance of a Burn Permit does not relieve the permittee from any of the requirements of a fire department having jurisdiction, including but not limited to, having the Burn Permit validated by such fire department.

402 BURN PERMIT CONDITIONS: The Control Officer may impose any permit conditions that are necessary to ensure compliance with Federal laws, State laws, or these rules. These condition(s) may include, but are not limited to, restricted burn hours, notification of intent to burn, and Burn Permit posting.

403 BURN PERMIT DENIAL: The Control Officer shall deny a Burn Permit application, if the material or operations do not meet the criteria described in this rule.

404 BURN PERMIT TERM: A Burn Permit shall be issued for the following terms:

Air Curtain Destructor
Disease/Pest Prevention

30 days from date of issuance
30 days from date of issuance

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Fire Hazard	30 days from date of issuance
Land Clearance	30 days from date of issuance
Tumbleweeds	30 days from date of issuance
Ditchbank/Fence Row	1 year from date of issuance
Fire Fighting Training/Structures	1 year from the date of issuance

405 BURN PERMIT FEES: The responsible party shall pay the required fees as set forth in Rule 280 of these rules.

SECTION 500 - MONITORING AND RECORDS (NOT INCLUDED)